

AMENDED IN ASSEMBLY APRIL 21, 2003
AMENDED IN ASSEMBLY MARCH 24, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 621

Introduced by Assembly Member Nakanishi

February 19, 2003

~~An act to add Section 1714.12 to the Civil Code, relating to health services. An act to add and repeal Article 2.7 (commencing with Section 11595) to Chapter 1 of Part 3 of the Insurance Code, relating to health services.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 621, as amended, Nakanishi. Physicians and surgeons: immunity from liability.

The Medical Practice Act provides for the licensing and regulation of physicians and surgeons by the Medical Board of California. Existing law requires the board to waive the license renewal fee for a physician and surgeon if the sole purpose of license renewal is to provide voluntary, unpaid services to a public agency, not-for-profit agency, institution, or corporation that provides medical services to indigent patients in medically underserved or critical-need population areas of the state.

~~This bill would exempt physicians and surgeons receiving a fee waiver under these provisions from liability for professional negligence or malpractice or any other civil damages for any act or omission resulting from the rendering of those services, with certain exceptions.~~

This bill would create the Physicians and Surgeons Liability Insurance Pilot Program which would be administered by the State Department of Health Services. The bill would require the program to purchase liability insurance for up to 100 physicians and surgeons who are licensed solely to provide voluntary, unpaid medical services to specified public or not-for-profit agencies. The bill would terminate the program on January 1, 2009, and would be contingent upon receiving funding in the annual Budget Act.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~—yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1.—~~

2 *SECTION 1. Article 2.7 (commencing with Section 11595) is*
3 *added to Chapter 1 of Part 3 of the Insurance Code, to read:*

4
5 *Article 2.7. The Physicians and Surgeons Liability Insurance*
6 *Pilot Program*

7
8 *11595. The Physicians and Surgeons Liability Insurance Pilot*
9 *Program is hereby created.*

10 *11595.1. The program shall purchase liability insurance for*
11 *up to 100 physicians and surgeons whose sole purpose of being*
12 *licensed is to provide voluntary, unpaid service to a public agency,*
13 *not-for-profit agency, institution, or corporation which provides*
14 *medical services to indigent patients in medically underserved or*
15 *critical-need population areas of the state.*

16 *11595.2. The program shall be administered by the State*
17 *Department of Health Services.*

18 *11595.3. The program is contingent upon the receipt of*
19 *funding in the annual Budget Act.*

20 *11595.4. The program shall remain in effect only until*
21 *January 1, 2009, and as of that date is repealed, unless a later*
22 *enacted statute, that is enacted before January 1, 2009, deletes or*
23 *extends that date.*

24 ~~Section 1714.12 is added to the Civil Code, to read:~~

25 ~~1714.12. (a) No health care provider eligible for license~~
26 ~~renewal pursuant to Section 2442 of the Business and Professions~~
27 ~~Code shall be liable for professional negligence or malpractice or~~

1 ~~any other civil damages for any act or omission resulting from the~~
2 ~~rendering of medical services voluntarily and without~~
3 ~~compensation to any person at any free or low-cost medical clinic~~
4 ~~located in this state, unless the act or omission of that health care~~
5 ~~provider was the result of gross negligence or willful misconduct.~~
6 ~~(b) Every person to whom those medical services are provided~~
7 ~~shall be fully informed prior to any treatment being performed by~~
8 ~~the person providing the services or by the staff of the medical~~
9 ~~clinic of the immunity from civil suit provisions of this section and~~
10 ~~shall acknowledge that fact in writing on a form approved or~~
11 ~~designated by the regulatory board or entity with appropriate~~
12 ~~jurisdictional authority.~~

